



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of L.B., Motor Vehicle  
Commission

CSC Docket No. 2017-3385

Discrimination Appeal

**ISSUED: MAY 31, 2018**

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L.B., a Senior Technician, MVC with the Motor Vehicle Commission, appeals the determination of the former Chairman and Chief Administrator, which found that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant filed a complaint with the Motor Vehicle Commission’s Office of Equal Employment Opportunity (EEO) alleging that she had been discriminated against based on race, color, religion and disability. Specifically, the appellant claimed that C.T., Agent, DMV, on one occasion changed the radio station because it was a “black show”; unfairly denied African American and Caucasian employees requests for leave; exhibited favoritism based on race with regard to treatment of customers; administered/disciplined employees disproportionately based on race; and unfairly denied the appellants request for an American with Disabilities Act (ADA) accommodation. Additionally, the appellant and C.T. made allegations of religious discrimination against each other involving an incident that took place on March 7, 2016, where a customer was allowed to take a photograph with a religious garb on his head. The EEO investigated the matter, which included interviewing witnesses, and could not substantiate that C.T. violated the State Policy. Rather, it found that on March 7, 2016, the appellant questioned a customer’s religion in a disparaging manner and determined that she violated the State Policy.

On appeal, the appellant states that she never admitted to questioning the customer’s religion. Rather, she states that she asked a co-worker if the customer wrote down his religion on the application as it was necessary to do so if a religious

reason is claimed for wearing a head covering. Therefore, as its finding were based on hearsay and incorrectly quoting her, the appellant asserts that the EEO erred when it determined that she violated the State Policy. Additionally, the appellant notes that it is part of her job duty to consult with her constituency in order to properly conduct the business of the agency. Further, she asserts that C.T. made the allegation against her in retaliation for her filing a grievance. Finally, the appellant requests compensation for being treated unequally based on this false claim.

In response, the EEO presents that after interviewing several witnesses, it found that on March 7, 2016, Y.M.-W, a Motor Vehicle Technician, assisted a customer who requested to take a picture with religious garb on his head. The appellant questioned Y.M.-W about the customer's religion and instructed her to have the customer write his religious affiliation on the back of his application. An argument ensued between the appellant and Y.M.-W and shortly thereafter C.T. told the appellant it was inappropriate to question a customer's religion. During the incident, two witnesses recalled hearing the appellant make remarks such as "the customer was not Muslim, and thus should not be wearing the hat" and "the cap the customer had on his head was not part of Muslim attire." As a Senior Technician, MVC, the EEO states that the appellant is trained not to ask or question a customer's religious affiliation. Therefore, the investigation found that the appellant disparagingly questioned the customer's religion in violation of the State Policy.

## CONCLUSION

*N.J.A.C. 4A:7-3.1(a)* provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. Additionally, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C. 4A:7-3.2(m)(3)*.

The Civil Service Commission has conducted a review of the record and finds that the appellant has not met her burden of proof. The investigation included interviewing several witnesses who confirmed that on March 7, 2016, Y.M.-W assisted a customer who requested to take a picture with religious garb on his head. The appellant questioned Y.M.-W about the customer's religion and instructed her to have the customer write his religious affiliation on the back of his application. An argument ensued between the appellant and Y.M.-W and shortly thereafter C.T. told the appellant it was inappropriate to question a customer's religion. As part of

the investigation, two witnesses corroborated that the appellant made remarks such as “the customer was not Muslim, and thus should not be wearing the hat” and “the cap the customer had on his head was not part of Muslim attire.” Further, the appellant states in her appeal that she asked her co-worker to have the customer write down his religion on the application, but the EEO investigation found that the appellant is trained not to ask or question a customer’s religious affiliation. The appellant has not provided any argument or evidence to rebut these findings.

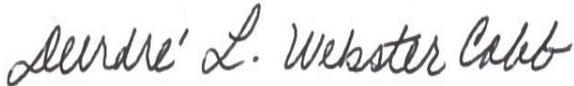
Accordingly, the Commission finds that the EEO’s investigation was thorough and impartial, and the record supports a finding that there was a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON THE  
23<sup>RD</sup> DAY OF MAY, 2018



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